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C O N F I D E N T I A L ANKARA 005200

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [PINS](#) [TU](#)

SUBJECT: RULING AK PARTY RETREATS FROM GAMBIT TO  
RE-CRIMINALIZE ADULTERY AND FORNICATION

REF: A. ANKARA 5114

[¶](#)B. ANKARA 5113

(U) Classified by Polcounselor John Kunstadter; reasons: E.O.  
12958 1.4 (b,d).

[¶](#)1. (U) Facing strong reluctance from various factions within the party and a sharp reaction from EU member states, ruling AK Party (AKP) leadership appears to have abandoned an attempt (ref B) to include re-criminalization of adultery and fornication (zina) as an amendment to the new criminal code now under parliamentary consideration. Instead, AKP has reportedly reached agreement with main opposition CHP to seek long-overdue amendments to the code in five articles, amendments of keen interest to civil rights advocates and to the EU (septel).

[¶](#)2. (C) More information is leaking out about EU outgoing Enlargement commissioner Verheugen's inadequate initial approach to PM Erdogan (ref A) and AKP's murky maneuvering on the issue. "Sabah" Ankara bureau chief Asli Aydintasbas told us Sept. 14 an AKP source had reported to her that Verheugen pulled his punches on the issue in his meeting with Erdogan, bringing it up in an offhand way that misled Erdogan on the EU's brewing negative reaction. Danish DCM had already expressed concern to us Sept. 8 that Verheugen indeed failed to deliver an adequately sharp message in private to Erdogan and FonMin and Deputy PM Gul. Aydintasbas also told us she heard Gul had downplayed the significance of the EU's reaction at last week's cabinet meeting. We have also heard disparaging remarks about the role Justice Minister and GOT spokesman Cicek played in initially encouraging the government to pursue re-criminalization and then twisting and turning to get the tar baby off his hands when it became clear the EU was reacting harshly.

[¶](#)3. (C) Comment: Once again, Erdogan has allowed an unauthorized initiative from harder-core Islamist elements in AKP to take on untimely momentum before reining it in abruptly and retreating in the face of an aroused "secular" Establishment -- and in this case, the EU. Moreover, opposition to the initiative was evident even within the party, e.g., from Culture and Tourism Minister Mumcu, an ambitious younger figure who came late to AKP from late President Ozal's more open-market-oriented center-right ANAP. Mumcu has been unhappy with what he has expressed openly around Ankara as distaste for the continuing influence on AKP of the political-Islam Milli Gorus (National View) line.

[¶](#)4. (C) Comment continued: More and more people who are either close to Erdogan ("Aksam" Ankara bureau chief Basaran) or sympathetic to AKP (Fethullah Gulen-linked "Zaman"'s managing editor Dumanli, Constitutional Court Deputy Chief Justice Kilic) are expressing concern to us that Erdogan's excessive travel, especially abroad, has caused him to lose firm control of what in any event remains a coalition-like entity rather than a coherent party. Erdogan has once again retreated on an issue of neuralgic importance to the "secular" order in Turkey -- as he did earlier on the questions of giving preacher (imam-hatip) high school graduates equal access to universities; the right to wear Islamic headscarves in universities and other public places; and broader access to Koran courses. However, this latest misadventure appears to have caused a more troubled reaction among our EU contacts than in previous cases.

EDELMAN